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December 24, 2018

Ms. Lila C. Jones, Esq.
Natural Resources Section
U.S. Department of Justice
P.O. Box 7611
Washington, DC 20044-7611

lila.jones@usdoj.gov

Original Follows by U.S. Post

Certified Mail #: 7018 0360 0000 3937 3695

RE: USEPA v. Jeffersonville, IN Sanitary Sewer Board

Ms. Jones,

This correspondence comes to respond to an inquiry made by Nigel Cooney before you succeeded him as the attorney representing the USEPA in the above referenced matter.

On October 24, 2018, Mr. Cooney sent an email as a follow-up to a telephone conference call held on August 24, 2018. Participants in that call included my client, the Jeffersonville Sanitary Sewer District (Jeffersonville), the attorney for the Oak Park Conservancy District (the "OPCD"), the Indiana Department of Environmental Management (IDEM), the USEPA, and a DOJ consultant, Gail Coad. The primary purpose of the conference call was to discuss the number of households served by Jeffersonville, because there had been some difference between the number of households counted by our respective clients.

Ex. 7A

Ex. TA

Attached/enclosed with this letter are Jeffersonville's *Capital Improvement Plans* (CIP) that were requested by Mr. Cooney in the email referenced above. The first CIP shows the cost of the current *Long Term Control Plan* (LTCP), as contained in the 2010 LTCP (with the updated cost estimates). The second LTCP is the *Modified Plan* reflecting the changes proposed by Jeffersonville. Both plans include the completed projects the City has financed/funded. In addition, I am including Jeffersonville's *Capital Improvement Plan* (CIP) which was also adopted by the Jeffersonville City Council (Resolution 2018-R-7). The City is planning to update and revise the Financial Capability Assessment (FCA) originally submitted on September 2016 using the projects and cost in the Modified CIP.

In an effort to keep the positive momentum going my client would like to re-visit this discussion and close any gap that may remain when it comes to household count, as well as other outstanding issues. At that time, we would like to lay out a timeframe for concluding this part of our work. If you would please suggest some times in the first couple of weeks after the first of the year, we can coordinate with schedules here.

As always, should you have questions or concerns regarding this matter, or the response, please feel free to contact me.

Ms. Lila C. Jones
21 December 2018, Page 3

Sincerely,



Michael A. Gillenwater

Enclosures

MAG:mos

XC: Gary Baise
Len Ashack
Terry Branigan
Diana Hamilton
Beth Admire
Gail Coad

JEFFERSONVILLE, INDIANA
2018 CAPITAL IMPROVEMENT PROJECT COSTS
CURRENT LTCP PLAN

Job # 16034

11/14/18

UPDATED TOTAL PROJECT COSTS (UPDATED TO 2018 DOLLARS)	
EPA CSO PROJECT COMPONENTS	
CSO Interceptor, (as designed in 2014 to comply with LTCP in 2010, includes repayment of \$	Exs. 4 and 7A
New Mulberry Stormwater Flood Lift Station	
New Sewer Separation for Cane Run Relief and Flood Control	
25 MGD Chemically enhanced high rate clarifier (CEHRC) for Phosphorus Removal and peak wet weather treatment, including chemical feed bldg.	
Blower & Aeration Improvements @ DWWTP	
Additional UV Equipment @ DWWTP for wet weather treatment	
SUBTOTAL CSO Interceptor and CEHRC project	
SANITARY SEWER COLLECTION SYSTEM IMPROVEMENTS	
Cedar View Pump Station Replacement	
Golfview Pump Station, Replace with suction lift pumps	
Crums #2 Pump Station Replacement	
8th, Ewing, Hopkins Sanitary Sewer replacement, includes pipe replacement along levy	
Ewing Lane Pump Station , Artic Springs P.S Force main Reroute	
Cherry Creek PS Replacement	
Silver Creek PS Replacement	
Replace Pumps at Spring Street PS	
Utica 1 PS Replacement & FM Relocation	
8th Street Sanitary Sewers for Combined Sewer Separation	
Veterans PS Capacity Expansion, new 14"FM to existing 35" Hamburg Pike Interceptor	
Cooper's North Lift Station (Annexation)	
36" Gravity Interceptor to Spring Street PS, Divert Scotts PS to new interceptor	
Wastewater R&R 2020-2025	
Phase 6 CSO Flow Data Simulation	
Combined Sewer System Misc Rehab	
Replace Maintenance Equipment for Lift Stations	
Replace Portable Standby Generators for Lift Stations	
Expand Lentzier Creek PS by installing two (2) new 3,000 gpm pumps in wetwell #2	
CMOM Equipment	
SUBTOTAL SANITARY COLLECTION SYSTEM IMPROVEMENTS	
NWWTP IMPROVEMENTS	
Expand NWWTP from 3MDG to 6MGD	
Add Phosphorus Removal System @ NWWTP	
SUBTOTAL NWWTP PROJECTS	

Exs. 4 and 7A

**JEFFERSONVILLE, INDIANA
2018 CAPITAL IMPROVEMENT PROJECT COSTS
CURRENT LTCP PLAN**

Job # 16034
11/14/18

STORMWATER AND DRAINAGE IMPROVEMENT PROJECTS	
8th, Ewing, Hopkins Sanitary Drainage Improvements	
8th Street Storm Sewers for separation	
Woehrle Road Stormwater Detention Basin	
PS - 38 Woodland Court Stream Restoration	
PS - 15 Voluntary property acquisition/flood proofing	
PS - 30 Waverly Road buy outs	
PS - 1 Participation in Community Rating System (CRS), PS - 4 Citywide flood response plan	
PS - 10 Citywide O&M Manual update	
Lancassange Creek watershed study	
PS - 16 CSO Area Green Infrastructure Improvements (Not only on Spring Street)	
Stormwater R&R 2020-2025	
Purchase Storm Sewer Maintenance Equipment	
SUBTOTAL STORMWATER & DRAINAGE IMPROVEMENT PROJECTS	
TOTAL WASTEWATER PROJECTS	
TOTAL STORMWATER PROJECTS	
GRAND TOTAL	
PREVIOUSLY COMPLETED AND FINANCED PROJECTS (SEE ATTACHED LIST)	
GRAND TOTAL PROJECTED INVESTMENT BY CITY OF JEFFERSONVILLE	

Exs. 4 and 7A

Loan No.	Bond/SRF	Date of Loan	Principal Amount	Maturity Date	Projects
1	EXS. 4 and 7A				
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					

JEFFERSONVILLE, INDIANA
2018 CAPITAL IMPROVEMENT PROJECT COSTS
MODIFIED PLAN

Job # 16034
11/14/2018

UPDATED TOTAL PROJECT COSTS (IN 2018 DOLLARS)	
EPA CSO PROJECT COMPONENTS	
CSO Interceptor, Phase 2&3 (includes repayment of: <i>Exs. 4 and 7A</i>)	<i>Exs. 4 and 7A</i>
25 MGD Chemically enhanced high rate clarifier (CEHRC) for Phosphorus Removal and peak wet weather treatment, including chemical feed bldg.	
Blower & Aeration Improvements @ DWWTP	
Additional UV Equipment @ DWWTP for wet weather treatment	
SUBTOTAL CSO Interceptor and CEHRC project	
SANITARY SEWER COLLECTION SYSTEM IMPROVEMENTS	
Cedar View Pump Station Replacement	<i>Exs. 4 and 7A</i>
Golfview Pump Station, Replace with suction lift pumps	
Crums #2 Pump Station Replacement	
8th, Ewing, Hopkins Sanitary Sewer replacement, includes pipe replacement along Levy	
Ewing Lane Pump Station , Artic Springs P.S Force main Reroute	
Cherry Creek PS Replacement	
Silver Creek PS Replacement	
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Wastewater R&R 2020-2025	
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Replace Maintenance Equipment for Lift Stations	
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CMOM Equipment	
SUBTOTAL SANITARY COLLECTION SYSTEM IMPROVEMENTS	
NWWTP IMPROVEMENTS	
Expand NWWTP from 3MDG to 6MGD	
Add Phosphorus Removal System @ NWWTP	
SUBTOTAL NWWTP PROJECTS	

JEFFERSONVILLE, INDIANA
2018 CAPITAL IMPROVEMENT PROJECT COSTS
MODIFIED PLAN

Job # 16034
11/14/2018

STORMWATER AND DRAINAGE IMPROVEMENT PROJECTS	
8th, Ewing, Hopkins Sanitary Drainage Improvements	Exs. 4 and 7A
8th Street Storm Sewers for separation	
Woehrle Road Stormwater Detention Basin	
PS - 38 Woodland Court Stream Restoration	
PS - 15 Voluntary property acquisition/flood proofing	
PS - 30 Waverly Road buy outs	
PS - 1 Participation in Community Rating System (CRS), PS - 4 Citywide flood response plan	
PS - 10 Citywide O&M Manual update	
Lancassange Creek watershed study	
PS - 16 CSO Area Green Infrastructure Improvements (Not only on Spring Street)	
Stormwater R&R 2020-2025	
Purchase Storm Sewer Maintenance Equipment	
SUBTOTAL STORMWATER & DRAINAGE IMPROVEMENT PROJECTS	
TOTAL WASTEWATER PROJECTS	
TOTAL STORMWATER PROJECTS	
GRAND TOTAL	
PREVIOUSLY COMPLETED AND FINANCED PROJECTS (SEE ATTACHED LIST)	
GRAND TOTAL PROJECTED INVESTMENT BY CITY OF JEFFERSONVILLE	

Loan No.	Bond/SRF	Date of Loan	Principal Amount	Maturity Date	Projects
1	EXS. 4 and 7A				
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					

BEFORE THE COMMON COUNCIL
FOR THE CITY OF JEFFERSONVILLE, INDIANA

RESOLUTION 2018 - R- 2

**A RESOLUTION APPROVING THE CITY OF JEFFERSONVILLE WASTEWATER
TREATMENT SYSTEM 2018-2025 CAPITAL IMPROVEMENT PLAN**

WHEREAS, the city council (the "City Council") of the city of Jeffersonville, Indiana (the "City") is the fiscal/legislative body of the City, whose powers/responsibilities include oversight of budgets and other fiscal and legislative concerns of the City; and,

WHEREAS, the City owns, operates, and maintains sanitary and storm water collection systems, as well as a sanitary sewage treatment system; and,

WHEREAS, the City's sanitary sewage collection and treatment operations are overseen by a three (3) member Sanitary Sewer Board (SSB); and,

WHEREAS, the City Council has created a Drainage Board that functions to operate, maintain, and improve storm water infrastructure and runoff within the City, operating under the budget of the SSB, but often functioning independently of the SSB; and,

WHEREAS, because certain areas in the City have a combined sanitary sewer and storm water system, the inflow from sewers during rain events sometimes exceeds the capacity of the City's downtown sewer system to receive and treat all of the influent directed there, which sometimes results in combined sewer overflows (CSOs) into waters of the state; and,

WHEREAS, the SSB has developed a *Long-Term Control Plan* (LTCP) for maintaining and/or achieving compliance with environmental regulations imposed on the City as a condition of *National Pollutant Discharge Elimination System* (NPDES) permits that have been issued to the City by the *Indiana Department of Environmental Management* (IDEM). The LTCP provides for a reduction in the frequency and volume of CSOs; and,

WHEREAS, due to the financial hardships already imposed on the customers of the City's sanitary sewer utility because of repeated sewer utility rate increases, the City Council has pursued a strategy for achieving compliance with environmental regulations and reducing the frequency and volume of CSOs, while at the same time avoiding unnecessary imposition of continuing financial hardships on the customers of the City's sanitary sewer utility; and,

WHEREAS, due to the extraordinary financial expenditures that will be necessary for the City to achieve and maintain compliance with the NPDES permits issued to the City by IDEM, the SSB, the City's Drainage Board, and the City Council have jointly developed a strategy for completing improvements that will allow the City and the SSB to comply with requirements of the

City's LTCP. That strategy is hereby known as the *City of Jeffersonville Wastewater Treatment System 2018-2025 Capital Improvement Plan* (the "CIP"), a copy of which is attached hereto, marked as "Exhibit A", and incorporated by reference herein. Therefore,

IT IS HEREBY RESOLVED that the City of Jeffersonville Wastewater Treatment System 2018-2025 Capital Improvement Plan (the "CIP") should be, and hereby is, approved by the City of Jeffersonville Indiana City Council.

IT IS FURTHER RESOLVED that the City Council recommends that the SSB and the City's Drainage Board strive to achieve compliance with the LTCP in substantial compliance with the order and manner of improvements set out in the CIP.

This Resolution shall be in full force and effect from and after its passage by the City Council and approval by the Mayor.

VOTED FOR:

VOTED AGAINST:

R.D.C.
 Ashall
 Jan. 21st
 Hy. W. C.
 B. M.
 Charles G. L.
 Edward M. L.
 Dustin White

Passed and adopted by the Common Council of the City of Jeffersonville, Clark County, Indiana.

this 16 day of August 2018

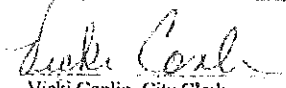
Lisa Gill
Lisa Gill, President and Presiding Officer

2018 OR-7

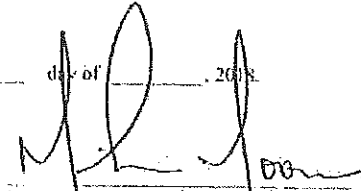
ATTEST


Vicki Conlin, City Clerk

Presented to me as Clerk to the Mayor of said City of Jeffersonville this 8 day of August,
2018


Vicki Conlin, City Clerk

This Resolution approved and signed by me this ____ day of _____, 2018


Mike Moore, Mayor